

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

|                               |   |                       |
|-------------------------------|---|-----------------------|
| PLAINTIFF A, PLAINTIFF B,     | : |                       |
| PLAINTIFF C, and PLAINTIFF D, | : |                       |
|                               | : |                       |
| Plaintiffs,                   | : |                       |
|                               | : | CIVIL ACTION          |
| v.                            | : | NO. 2:11-cv-00145-WCO |
|                               | : |                       |
| RICHARD WAYNE SCHAIR and      | : |                       |
| WET-A-LINE TOURS, LLC,        | : |                       |
|                               | : |                       |
| Defendants.                   | : |                       |

**ORDER**

Four young women allege that defendant Richard Wayne Schair, through his company, Wet-A-Line Tours, LLC, coerced them into performing sexual acts in exchange for money when they were minors. Plaintiffs bring one claim under the Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”). Defendants filed a motion for judgment on the pleadings requesting dismissal of the action [58]. Defendants note that the acts described in the complaint took place prior to December 2008 and argue that retroactive application of the TVPRA is inappropriate.

The court believes that oral argument on defendants’ motion for judgment on the pleadings would help clarify the issues in this case. The parties should be prepared to discuss the issues presented in defendants’ motion. Additionally, the court

has concerns of its own that were not addressed in the parties' briefs. The parties should also be prepared to address the following questions:

- Does plaintiffs' cause of action hinge on civil liability for acts committed outside the United States?
- If so, do plaintiffs rely on 18 U.S.C. § 1596(a) as the basis for imposing civil liability for these extraterritorial acts?
- If so, can defendants be liable for acts outside the United States based on the retroactive application of 18 U.S.C. § 1596(a)? *See Kiobel v. Royal Dutch Petroleum Co.*, 133 S. Ct. 1659 (2013); *see also Adhikari v. Daoud & Partners*, 2014 U.S. Dist. LEXIS 5120, 2014 WL 198305 (S.D. Tex. Jan. 15, 2014) (applying *Kiobel* to TVPRA claims based on pre-2008 conduct and concluding that retroactively imposing extraterritorial liability was impermissible).

The court will entertain oral argument on defendants' motion and the questions presented in this order on **July 9, 2014, at 2:00 p.m.** in the Third Floor Courtroom of the United States District Court for the Northern District of Georgia, Gainesville Division.

IT IS SO ORDERED, this 18<sup>th</sup> day of June, 2014.

s/William C. O'Kelley

William C. O'Kelley

Senior United States District Judge